

REMARKS

Claims 1-18 are pending.

Claims 1-18 are rejected.

Claim 1 is amended.

Claim 3 is cancelled.

Claims 1-2 and 4-18.

Claim 1 amendment

Applicants have amended claim 1 to require that M is hydrogen or a cation selected from

the group consisting of Li, Na, K, Ca, Mg, ammonium, mono-, di, tri or tetra C₁-C₄ alkylammonium, and mono, di- or tri-C₂-C₄-hydroxyalkylammonium.

Further claim 1 is amended to further define X1 and X3 as NH₂.

Support is found in the original claims 1 and 3.

35 USC 103(a)

Claims 1-18 are rejected under 35 USC 103(a) as being obvious in light of Petrin et al., US 5,057,236.

Petrin describes hypochlorite bleach stable surface active fluorescent whitener compositions comprising

- (a) by weight of about 0.001% to about 5% of a suitable sulfonated anionic fluorescent whitener agent and
- (b) at least stoichiometric amount of a cationic non-softening N-higher alkyl, N,N,N-lower alkylammonium ion -producing surface active agent (column 3, lines 10 to 18).

The examiner believes the structure claimed under formula (1) in claims 1, 2, 3 and structure 2 of claim 11 to be encompassed by the Markush structure given in col. 4, line 45 to end of col. and continued in col. 5, lines 1-25.

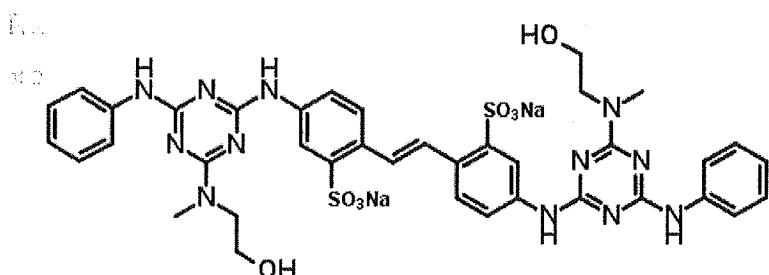
While there is overlap between the Markush structure given in col. 4 and present formula (I), Petrin actually teaches multiple classes of polysulfonated distyryl-biphenyl FWAs. Note that Petrin lists brighteners from 4 different classes, only one class of which overlaps with the present formula (1) of claim 1. See column 4, 5 and 6.

The four classes represent thousands of different FWAs most of which are not encompassed by the present claim limitations. Further the presently claimed FWA has been narrowed to require that X1 and X3 are NH2. While R5, R6, R7 and R8 of Petrin may be independently selected from many various substituents possibilities, only one of which is NH2, Petrin provides no motivation to make this specific selection.

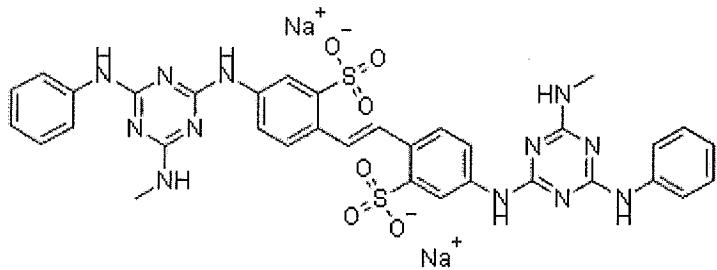
Thus the presently claimed formula (1) is a selection of the thousands of polysulfonated distyryl taught in Petrin.

Petrin does exemplify two ion pairs falling into the mono- or polysulfonated phenyl-, triazinyl stilbenes class (col. 4, line 45). These ion pairs are TINOPAL 5-BMX and BLANKOPHOR RKH. Neither of these ion pairs are encompassed by formula (I).

Tinopal 5-BMX has the following structure:



Blankophor RKH has the following structure:



Neither example is encompassed by the present claims.

Examiner believes Petrin to teach anionic poly saccharides such as xanthan gum or guar gum in amounts ranging from 0-50% (column 15, lines 36-37) as standard adjuncts. These anionic poly saccharides are taken from a long list of standard detergent adjuncts which span the last paragraph in column 14 up to the claims in column 15.

Additionally, Petrin bases the weight % of his combined adjuncts on the detergent formulation. See column 15, lines 1-2.

The present claim limits the amount of anionic poly saccharide to 0.01 – 1% based on the total weight of the whitener formulation. Accordingly, the weight and adjunct specified in the present claim limitation can properly be called a selection within Petrin.

Thus applicants respectfully disagree with the above obviousness rejection.

Examiner has selected one class of anionic FWAs (Group 2 of Petrin) from multiple classes of FWAs presented within Petrin. The two examples of the Petrin which are part of Group 2, are not encompassed by the present claims.

Examiner has then selected anionic poly saccharides from a very large list of possible adjuncts suggested by Petrin and stated that the 0.01 to 1% based on weight of the FWA overlaps with the 0 to 50% total adjunct amount based on the detergent formulation taught in Petrin.

One skilled in the art would have had to make a series of very specific selections from a long list of anionic FWAS and a long list of adjuncts in the weight percents claimed with no direction from Petrin to actually make these very specific choices.

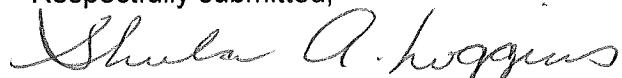
Thus the applicants respectfully request that the above rejection be withdrawn.

Reconsideration and withdrawal of the rejection of claims 1-2 and 4-18 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-18 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-2768
SAL22898R1.doc

Enclosure: Petition for two month extension of time.